

Project Background

The Colorado Ute Indian Water Rights Settlement, executed in 1986 and enacted by Congress in 1988, resolves long-standing conflicts on eight river systems in southwest Colorado. The settlement addressed a regional problem—the senior water rights of the two Colorado Ute tribes. Although the tribes have occupied this entire region in southwest Colorado since the 19th century, their water right claims were not addressed until the 1980's. Future development of the region and the protection of existing water uses required a comprehensive settlement. The Settlement Act achieves these goals.

The Settlement Act quantifies the Tribes' direct flow rights in these rivers while preserving the important non-Indian water rights and uses. The last piece of the settlement—a regional water supply from the Animas River by way of the proposed ALP—has been delayed due to economic and environmental concerns, including ESA issues.

ALP has been the subject of substantial public interest and environmental review since it was authorized by the Colorado River Basin Project Act of 1968 and later incorporated into the Settlement Act. The Bureau of Reclamation has prepared several NEPA-mandated documents for ALP, including a Final Environmental Statement (FES) in 1980 and a Final Supplement to the FES in 1996.

Following the completion of the FSFES in 1996, Colorado Governor Roy Romer and Lt. Governor Gail Schoettler convened both supporters and opponents of ALP in an attempt to address unresolved issues associated with the original ALP and to attempt to gain consensus on an alternative to the project. The Romer-Schoettler process resulted in the suggestion of two alternatives, a structural proposal and nonstructural proposal. The structural alternative proposed construction of the initial stage of ALP as described in the 1996 FSFES, with some

modifications, and was specifically designed to fit within the ESA depletion limitations for the San Juan River. A nonstructural alternative proposed to purchase water rights from existing owners in southwestern Colorado and provide Indian-only water through acquisition of excess water from existing projects or from expanded projects/delivery systems.

Administration Proposal

In August 1998, the Secretary of the Interior, in coordination with the Council on Environmental Quality and the Environmental Protection Agency, presented an Administration Proposal to provide the Colorado Ute Tribes with access to a reliable but reduced project water supply in order to finalize the Settlement Act. The Administration Proposal was developed to take advantage of concepts developed during the Romer-Schoettler process. It is designed to satisfy tribal water rights claims while safeguarding non-Indian water rights. The proposal also provides a new M&I water supply in the region that could protect the current water supplies allocated to irrigation and other uses. A portion of the Tribes' water supply, as described in the Settlement Act, would be located in an offstream reservoir supplied from the Animas River. The Administration Proposal also provides the Tribes with a water acquisition fund to acquire water rights or develop reservation economies. Water provided as part of the down-sized ALP would be limited to M&I uses only.



Who to Contact

If you have questions, need additional information, or wish to be added to the mailing list, contact Mr. Pat Schumacher, Manager, U.S. Bureau of Reclamation, Southern Division of the Western Colorado Area Office, 835 East 2nd Avenue, Suite 300, Durango, Colorado 81301.

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